JPMC

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA 08 JAN 22 AM 10: 51

UNITED STATES OF AMERICA,

Plaintiff,

v.

Roberto HEREDIA-Mazera,

Defendant

Magistrate Docket No.

'08 MJ 0179

DEPUTY

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **January 20, 2008** within the Southern District of California, defendant, **Roberto HEREDIA-Mazera,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **22nd** DAY OF **JANUARY 2008**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Roberto HEREDIA-Mazera

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On January 20, 2008, Border Patrol Agent J. Alcaraz was performing line watch duties in the Imperial Beach area of operations. At approximately 7:25 A.M., the infrared scope operator radioed via service radio of two individuals running north in an area known as "Smugglers Canyon". This area is approximately three hundred yards north of the United States/Mexico International Boundary Fence. Upon Agent Alcaraz approaching the location he observed two individuals attempting to conceal themselves in the dense brush. Agent Alcaraz immediately identified himself as a United States Border Patrol Agent and questioned the individuals, including one later identified as defendant **Roberto HEREDIA-Mazera,** as to their citizenship and nationality. Both individuals, including the defendant, freely admitted that they were citizens and nationals of Mexico illegally present in the United States and that they did not possess immigration documents that would allow them to enter or remain in the United States legally. At approximately 7:30 A.M., Agent Alcaraz placed the defendant and the other individual under arrest and transported them to the Imperial Beach Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 4, 2008** through **Nogales, Arizona.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights, which he stated he understood and was willing to answer questions without having an attorney present. The defendant stated that he is a citizen and national of Mexico not in possession of any immigration documents that would allow him to be or remain in the United States legally.

Executed on January 21, 2008 at 10:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **January 20, 2008,** in violation of Title **8,** United States Code, Section **1326.**

Jan M. Adler
United States Magistrate Judge

1/21/08 @ 10:28 a.m.
Date/Time